

JS - 6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

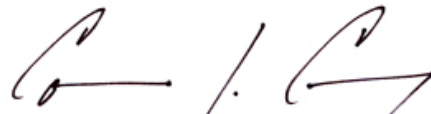
THOMAS RICHARD DiBARTELO,) NO. ED CV 15-1061-CJC(E)
Plaintiff,)
v.) ORDER DISMISSING ACTION
RODNEY A. CORTEZ, et al.,) WITHOUT PREJUDICE
Defendants.)
_____)

On December 24, 2015, Plaintiff filed a "Writ of Withdrawl," stating, in pertinent part, "I withdraw my claim against the named Defendants without prejudice. . . ." The Court has construed Plaintiff's "Writ of Withdrawl" as a request for voluntary dismissal of the entire action without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. See Minute Order, filed January 4, 2016. Defendants filed a "Notice of Non-opposition to Order Dismissing the Action Without Prejudice" on January 6, 2016. Therefore, in accordance with Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff's request for voluntary dismissal is granted and this action is dismissed without prejudice. See Smith v.

1 Lenches, 263 F.3d 972, 975 (9th Cir. 2001) (court should grant a
2 motion for voluntary dismissal under Rule 41(a)(2) unless a defendant
3 demonstrates that the defendant "will suffer some plain legal
4 prejudice as a result").

5
6 IT IS SO ORDERED.

7
8 DATED: January 11, 2016

9
10
11 

12 _____
CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE

13
14 PRESENTED this 7th day of
15 January, 2016, by:

16
17 _____/s/
CHARLES F. EICK
18 UNITED STATES MAGISTRATE JUDGE